

AMENDED IN ASSEMBLY JUNE 8, 2015

AMENDED IN SENATE MAY 11, 2015

**SENATE BILL**

**No. 789**

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**Introduced by Senator Wieckowski**

February 27, 2015

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~~An act to amend, repeal, and add Section 16072 of the Vehicle Code, relating to driver's licenses. An act to add Chapter 3.1 (commencing with Section 7287.20) to Part 1.7 of Division 2 of the Revenue and Taxation Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 789, as amended, Wieckowski. ~~Driver's license suspension: restricted privilege.~~ *Sale of water by local public entities: excise tax.*

*The California Constitution prohibits the Legislature from imposing taxes for local purposes, but allows the Legislature to authorize local governments to impose them.*

*This bill would authorize a local public entity that supplies water at retail or wholesale for the benefit of persons within the service area or area of jurisdiction of that public entity to impose, by ordinance, an excise tax on an excessive user of water, at a rate not to exceed 300% of the purchase price of the water, if the ordinance proposing the tax is approved by  $\frac{2}{3}$  of the electors voting on the measure and the revenue from the tax is equally distributed between the public entity and the State Water Resources Control Board for water conservation efforts within the jurisdiction of the public entity.*

~~Existing law requires the Department of Motor Vehicles to suspend the driving privilege of a person who is involved in an accident and fails to provide evidence of financial responsibility, as specified, at the time of the accident. Under existing law, the suspension period is one~~

year, as specified, except that the suspension must be reinstated if the person fails to maintain proof of financial responsibility for 3 years. However, upon application and if certain criteria are met, the department may restrict the person's driving privilege, in lieu of suspending it pursuant to this provision, in specified situations.

~~This bill would, commencing July 1, 2016, also authorize the department to restrict a person's driving privilege, in lieu of suspending it, in order to allow the person to drive to school. For purposes of this authorization, the bill would define "school" to mean a California community college campus, a California State University campus, a University of California campus, or a private postsecondary educational institution.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 3.1 (commencing with Section 7287.20)  
2     is added to Part 1.7 of Division 2 of the Revenue and Taxation  
3     Code, to read:

4  
5                     CHAPTER 3.1. EXCISE WATER TAX  
6

7     7287.20. (a) A local public entity that supplies water at retail  
8     or wholesale for the benefit of persons within the service area or  
9     area of jurisdiction of that public entity may impose, by ordinance,  
10    an excise tax on an excessive user of water, at a rate not to exceed  
11    300 percent of the purchase price of the water, if both of the  
12    following conditions are met:

13    (1) The ordinance proposing that tax is approved by two-thirds  
14    of the electors voting on the measure pursuant to Article XIII C of  
15    the California Constitution.

16    (2) The revenue from the tax is equally distributed between the  
17    public entity and the State Water Resources Control Board for  
18    local water conservation efforts within the jurisdiction of that  
19    public entity. The local water conservation efforts may have  
20    cobenefits with other regions in the state.

21    (b) A tax imposed pursuant to this section may be in addition  
22    to any other tax authorized by this division.

1     ~~SECTION 1. Section 16072 of the Vehicle Code is amended~~  
2     ~~to read:~~

3     ~~16072. (a) The suspension of the driving privilege of a person~~  
4     ~~as provided in Section 16070 shall not be terminated until one year~~  
5     ~~has elapsed from the date of actual commencement of the~~  
6     ~~suspension and until the person files proof of financial~~  
7     ~~responsibility as provided in Chapter 3 (commencing with Section~~  
8     ~~16430), except that the suspension shall be reinstated if the person~~  
9     ~~fails to maintain proof of financial responsibility for three years.~~  
10    ~~However, in lieu of suspending a person's driving privilege~~  
11    ~~pursuant to this section, the department, upon application, if the~~  
12    ~~person files and thereafter maintains proof of financial~~  
13    ~~responsibility as provided in this section and pays a penalty fee to~~  
14    ~~the department of two hundred fifty dollars (\$250), may restrict~~  
15    ~~the person's driving privilege to any of the following situations:~~

16    ~~(1) Necessary travel to and from that person's place of~~  
17    ~~employment.~~

18    ~~(2) Driving that is required in the person's course of~~  
19    ~~employment, when driving a motor vehicle is necessary in order~~  
20    ~~to perform the duties of the person's primary employment.~~

21    ~~(3) Necessary travel to transport a minor dependent in that~~  
22    ~~person's immediate family to and from an institute of primary or~~  
23    ~~secondary instruction, if the chief administrative officer or principal~~  
24    ~~of the educational institution certifies in writing to the department~~  
25    ~~that the minor dependent is enrolled in the educational institution~~  
26    ~~and no form of public transportation or schoolbus is available~~  
27    ~~between the applicant's place of residence and the educational~~  
28    ~~institution.~~

29    ~~The restriction shall remain in effect for the period of suspension~~  
30    ~~required by this section, so long as proof of financial responsibility~~  
31    ~~is maintained.~~

32    ~~(b) If a suspension has been imposed under Section 16070 and~~  
33    ~~one year has elapsed from the date the suspension actually~~  
34    ~~commenced, that suspension shall be terminated if the driving~~  
35    ~~privilege is suspended under Section 16370 or 16381 as the result~~  
36    ~~of a judgment arising out of the accident for which proof of~~  
37    ~~financial responsibility was required to be established. The~~  
38    ~~department may reimpose the suspension of the driving privilege~~  
39    ~~of a person under Section 16070 if the suspension under Section~~  
40    ~~16370 or 16381 is later set aside for a reason other than that the~~

1 person has satisfied the judgment in full or to the extent provided  
2 in Chapter 2 (commencing with Section 16250) and has given  
3 proof of ability to respond in damages as provided in Chapter 3  
4 (commencing with Section 16430).

5 (e) Notwithstanding Chapter 2 (commencing with Section  
6 42200) of Division 18, all revenues derived from the penalty fees  
7 provided in subdivision (a) shall, after deduction by the department  
8 of the costs incurred by the department in administering this  
9 section, be deposited in the Financial Responsibility Penalty  
10 Account in the General Fund. The balance in this fund on each  
11 July 1, which is not subject to appropriation as provided in Section  
12 12980 of the Insurance Code, shall revert to the General Fund.

13 (d) (1) Subdivision (a) does not apply to a commercial driver's  
14 license holder.

15 (2) A commercial driver's licenseholder whose driving privilege  
16 is otherwise suspended under this chapter is not entitled to a  
17 restricted license, unless that person surrenders his or her  
18 commercial driver's license and is issued a noncommercial class  
19 C or M driver's license.

20 (e) This section shall become inoperative on July 1, 2016, and,  
21 as of January 1, 2017, is repealed, unless a later enacted statute,  
22 that becomes operative on or before January 1, 2017, deletes or  
23 extends the dates on which it becomes inoperative and is repealed.

24 SEC. 2. Section 16072 is added to the Vehicle Code, to read:

25 16072. (a) The suspension of the driving privilege of a person  
26 as provided in Section 16070 shall not be terminated until one year  
27 has elapsed from the date of actual commencement of the  
28 suspension and until the person files proof of financial  
29 responsibility as provided in Chapter 3 (commencing with Section  
30 16430), except that the suspension shall be reinstated if the person  
31 fails to maintain proof of financial responsibility for three years.  
32 However, in lieu of suspending a person's driving privilege  
33 pursuant to this section, the department, upon application, if the  
34 person files and thereafter maintains proof of financial  
35 responsibility as provided in this section and pays a penalty fee to  
36 the department of two hundred fifty dollars (\$250), may restrict  
37 the person's driving privilege to any of the following situations:

38 (1) Necessary travel to and from that person's place of  
39 employment.

1 ~~(2) Driving that is required in the person's course of~~  
2 ~~employment, when driving a motor vehicle is necessary in order~~  
3 ~~to perform the duties of the person's primary employment.~~

4 ~~(3) Driving himself or herself to or from school. For purposes~~  
5 ~~of this paragraph, "school" means a California community college~~  
6 ~~campus, a California State University campus, a University of~~  
7 ~~California campus, or a private postsecondary educational~~  
8 ~~institution.~~

9 ~~(4) Necessary travel to transport a minor dependent in that~~  
10 ~~person's immediate family to and from an institute of primary or~~  
11 ~~secondary educational instruction, if the chief administrative officer~~  
12 ~~or principal of the educational institution certifies in writing to the~~  
13 ~~department that the minor dependent is enrolled in the educational~~  
14 ~~institution and no form of public transportation or schoolbus is~~  
15 ~~available between the applicant's place of residence and the~~  
16 ~~educational institution.~~

17 ~~(b) The restriction shall remain in effect for the period of~~  
18 ~~suspension required by this section, so long as proof of financial~~  
19 ~~responsibility is maintained.~~

20 ~~(c) If a suspension has been imposed under Section 16070 and~~  
21 ~~one year has elapsed from the date the suspension actually~~  
22 ~~commenced, that suspension shall be terminated if the driving~~  
23 ~~privilege is suspended under Section 16370 or 16381 as the result~~  
24 ~~of a judgment arising out of the accident for which proof of~~  
25 ~~financial responsibility was required to be established. The~~  
26 ~~department may reimpose the suspension of the driving privilege~~  
27 ~~of a person under Section 16070 if the suspension under Section~~  
28 ~~16370 or 16381 is later set aside for a reason other than that the~~  
29 ~~person has satisfied the judgment in full or to the extent provided~~  
30 ~~in Chapter 2 (commencing with Section 16250) and has given~~  
31 ~~proof of ability to respond in damages as provided in Chapter 3~~  
32 ~~(commencing with Section 16430).~~

33 ~~(d) Notwithstanding Chapter 2 (commencing with Section~~  
34 ~~42200) of Division 18, all revenues derived from the penalty fees~~  
35 ~~provided in subdivision (a) shall, after deduction by the department~~  
36 ~~of the costs incurred by the department in administering this~~  
37 ~~section, be deposited in the Financial Responsibility Penalty~~  
38 ~~Account in the General Fund. The balance in this fund on each~~  
39 ~~July 1, which is not subject to appropriation as provided in Section~~  
40 ~~12980 of the Insurance Code, shall revert to the General Fund.~~

- 1     ~~(e) (1) Subdivision (a) does not apply to a commercial driver's~~  
2     ~~license holder.~~  
3     ~~(2) A commercial driver's licenseholder whose driving privilege~~  
4     ~~is otherwise suspended under this chapter is not entitled to a~~  
5     ~~restricted license, unless that person surrenders his or her~~  
6     ~~commercial driver's license and is issued a noncommercial class~~  
7     ~~C or M driver's license.~~  
8     ~~(f) This section shall become operative on July 1, 2016.~~